THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.13709 of 2006

DATED: 06.07.2006

Between
D.Khader Ali Khan. .. PETITIONER

Versus

The Municipal Corporation of Kadapa,
represented by its Commissioner, Kadapa,
Kadapa District and two others. .. RESPONDENTS

WRIT PETITION NO.13709 of 2006

ORDER:

Heard the learned counsel.

2. The Writ Petition is filed praying for a Writ of Mandamus declaring the action of the respondents in seeking to demolish the commercial house presently situated in D.No.13/540 (old No.13/428) of Yadaalla Venkatachalam Street, Kadapa City, belongs to the petitioner, as arbitrary, illegal and contrary to the procedure envisaged under the provisions of Sections 146 and 147 of the Hyderabad Municipal Corporation Act, 1955 and contrary to the guidelines framed in the case of Pilli Lakshmana Rao vs. Executive Officer, Gram Panchayat reported in 2000(5) ALT 246 and consequently direct the respondents not to demolish the commercial house presently situated in D.No.13/540 (old No.13/428) of Yadaalla Venkatachalam Street, Kadapa City, belongs to the petitioner, without following due process of law and pass such other suitable orders.

3. It is stated that the petitioner acquired the subject matter of the commercial house in D.No.13/540 (old No.428) through a registered Gift Deed dated 26.7.2003. It is also stated that the 1st respondent had taken a policy decision to widen the roads in Kadapa city on 14.10.2005, and the news of widening the roads was published in newspapers on 23.11.2005. It is stated that the respondents came to the subject matter of commercial house and marked certain portion of the house for demolition on 1.7.2006. It is further stated that without following due process of law, there is every threat from the

respondents to carry out the demolition activity.

It is needless to say that the procedure as per law is to be followed before taking up any demolition activity.

In view of the above, the Writ Petition is disposed of with a direction to the respondents not to resort to any demolition activity unless and until they follow due process of law. No costs.

06.07.2006

SSR